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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,996	02/02/2004	Wei An	A0312.70497US00	2149

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EXAMINER
HUANG, DAVID S

ART UNIT	PAPER NUMBER
2611	

MAIL DATE	DELIVERY MODE
02/26/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td rowspan="2">Advisory Action
Before the Filing of an Appeal Brief</td><td>Application No.</td><td>Applicant(s)</td><td></td></tr>
<tr><td>10/769,996</td><td>AN ET AL.</td><td></td></tr>
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	Application No.	Applicant(s)	
Advisory Action *Before the Filing of an Appeal Brief*	10/769,996	AN ET AL.	
	Examiner	Art Unit	
	DAVID HUANG	2611	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>28 January 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>1-3,6-15 and 18-24</u>.

   Claim(s) withdrawn from consideration: <u>4,5,16 and 17</u>.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet</u>.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Shuwang Liu/
Supervisory Patent Examiner, Art Unit 2611

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Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that nowhere does Bultan disclose or even remotely suggest performing interpolation to provide an estimated symbol value at a previously setimat finger location. Applicant further argues that Sato discloses chip rate interplotation and also does not disclose performing interpolation to provide an estimated symbol value at a previously estimated finger location.

In response, Sato discloses obtaining a cross-correlation between over a plurality of symbols (column 11, lines 31-36). The despread output of the correlator is then fed into the interpolation filter, and thus the interpolation filter outputs the re-sampled cross-correlation signal over a plurality of symbols (i.e. an estimate of a plurality of symbols). Furthermore, Sato also teaches the the whole purpose of the interpolation is to improve the accuracy of the detection of the peak of the delay profile and determining a timing at which said peak is detected as a reception timing (column 3, lines 32-35, 40-50).

Bultan discloses a RAKE receiver code tracker (Fig. 1) with an interpolation feedback circuit to interpolate and correct the timing error by tracking the timing error estimate. The interpolator controller, responsive to timing error estimate, produces fractional delay estimates associated with coefficients used by the interpolator to produce a time corrected version of the received signal (column 2, line 14-27). The delay estimation and interpolation operation is continuously repeated to track the changes in the timing error (column 8, lines 26-29; the timing error is analogous to the). Since the interpolation coefficients are controlled by the delay estimation, it is implicit that the interpolation corresponds to a previous time delay (finger location). Because both Sato and Bultan address finding the actual timing of received signals using interpolative methods, it would have been obvious to one of ordinary skill in the art to substitute using the interpolation feedback circuit of Bultan in place of the interpolator of Sato, for the predictable result of determining the timing error of received signals while using interpolation coefficients based on the previously estimated timing error (finger location). Thus, the rejection of the claims is maintained.